

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-1554-IHW-E **TCEQ ID:** RN104029350 **CASE NO.:** 34691
RESPONDENT NAME: Thomas M. Thorp dba Thorp's Laun-Dry

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Thorp's Laun-Dry, 113 West Plum Street, Sonora, Sutton County</p> <p>TYPE OF OPERATION: Dry cleaner facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Colin Barth, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-0086; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Thomas M. Thorp, Owner, Thorp's Laun-Dry, P.O. BOX 443, Sonora, Texas 76950 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 20, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 17, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failed to maintain required perchloroethylene ("Perc") records. Specifically, the Respondent's Perc records were not available upon request [30 TEX. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS § 63.324(d)].</p> <p>2) Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, the Respondent did not have a dike or any other secondary containment structure around the Perc machine or the dry cleaning waste storage area [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].</p> <p>3) Failed to handle industrial waste in such a manner as to prevent the endangerment of public health and welfare. Specifically, the investigator observed spilled dry cleaning waste on the floor surrounding the hazardous waste Perc containers. Also, soil samples taken outside the building revealed dry cleaning waste was present [30 TEX. ADMIN. CODE § 335.4(3)].</p>	<p>Total Assessed: \$5,450</p> <p>Total Deferred: \$1,090 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,360</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on June 28, 2007, the Respondent removed the Perc machine from the Facility and installed a secondary containment structure around the dry cleaning waste containers at the Facility.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of any soil that reveals contamination above background levels; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

TCEQ

DATES	Assigned	23-Jul-2007	Screening	25-Sep-2007	EPA Due	
	PCW	25-Sep-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Thomas M. Thorp dba Thorp's Laun-Dry		
Reg. Ent. Ref. No.	RN104029350		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34691	No. of Violations	3
Docket No.	2007-1554-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **Subtotals 2, 3, & 7** -\$550

Notes Reduction due to high performer status.

Culpability **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5** \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **Subtotal 6** \$0

Approx. Cost of Compliance \$599 \$4,500 0% Enhancement*

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$4,950

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$500

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended adjustments to capture the avoided cost benefit associated with the record keeping violation.

Final Penalty Amount \$5,450

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$5,450

DEFERRAL **Adjustment** -\$1,090

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$4,360

Screening Date 25-Sep-2007

Docket No. 2007-1554-IHW-E

PCW

Respondent Thomas M. Thorp dba Thorp's Laun-Dry

Policy Revision 2 (September 2002)

Case ID No. 34691

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN104029350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Colin Barth

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance
History
Notes

Reduction due to high performer status.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 25-Sep-2007 Respondent Thomas M. Thorp dba Thorp's Laun-Dry Case ID No. 34691 Reg. Ent. Reference No. RN104029350 Media [Statute] Industrial and Hazardous Waste Enf. Coordinator Colin Barth Violation Number <input type="text" value="1"/>	Docket No. 2007-1554-IHW-E <div style="text-align: right;"> PCW <small>Policy Revision 2 (September 2002)</small> <small>PCW Revision September 19, 2007</small> </div>																	
Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 337.20(d)(2) and 40 Code of Federal Regulations § 63.324(d)"/>																		
Violation Description <input 20,="" 2007.="" an="" as="" available="" conducted="" documented="" during="" investigation="" june="" not="" on="" perc="" perc")="" records="" records,="" request."="" respondent's="" specifically,="" the="" type="text" upon="" value="Failed to maintain required perchloroethylene (" were=""/>																		
Base Penalty <input type="text" value="\$10,000"/>																		
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
		Harm																
	Release	Major	Moderate	Minor														
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>															
>> Programmatic Matrix																		
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input checked="" type="text" value="x"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Falsification	Major	Moderate	Minor		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>						
	Falsification	Major	Moderate	Minor														
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>														
Matrix Notes	100% of the rule requirement was not met																	
Adjustment <input type="text" value="\$9,000"/>																		
<input type="text" value="\$1,000"/>																		
Violation Events																		
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input type="text" value="1"/> </td> <td style="width: 20%; text-align: center;"> <input type="text" value="97"/> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events <input type="text" value="1"/>	<input type="text" value="97"/>	Number of violation days														
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mark only one with an x	<table border="1" style="margin: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input checked="" type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$1,000"/>				
daily	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	<input checked="" type="text" value="x"/>																	
One single event is recommended.																		
Economic Benefit (EB) for this violation																		
Statutory Limit Test																		
Estimated EB Amount <input type="text" value="\$525"/>	Violation Final Penalty Total <input type="text" value="\$991"/>																	
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$991"/>																		

Economic Benefit Worksheet**Respondent** Thomas M. Thorp dba Thorp's Laun-Dry**Case ID No.** 34691**Reg. Ent. Reference No.** RN104029350**Media** Industrial and Hazardous Waste**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	20-Jun-2006	20-Jun-2007	1.0	\$25	\$500	\$525
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost of maintaining required perc records. The Date required is one year prior to the investigation and the Final Date is the investigation date.

Approx. Cost of Compliance

\$500

TOTAL

\$525

Screening Date 25-Sep-2007

Docket No. 2007-1554-IHW-E

PCW

Respondent Thomas M. Thorp dba Thorp's Laun-Dry

Policy Revision 2 (September 2002)

Case ID No. 34691

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN104029350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Colin Barth

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 337.20(e)(3)(A)

Violation Description

Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, as documented during an investigation conducted on June 20, 2007. Specifically, the Respondent did not have a dike or any other secondary containment structure around the perc machine or the dry cleaning waste storage area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

8

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the June 20, 2007 investigation date to the June 28, 2007 date of compliance.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$2,477

This violation Final Assessed Penalty (adjusted for limits) \$2,477

Economic Benefit Worksheet**Respondent** Thomas M. Thorp dba Thorp's Laun-Dry**Case ID No.** 34691**Reg. Ent. Reference No.** RN104029350**Media** Industrial and Hazardous Waste**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,500	20-Jun-2007	28-Jun-2007	0.0	\$0	\$4	\$4
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a dike or other secondary containment structures for the perc machine and dry cleaning waste storage area. The Date Required is the investigation date and the Final Date is the date in which the Respondent installed secondary containment for the dry cleaning waste storage area.

Avoided Costs**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs**Approx. Cost of Compliance****\$2,500****TOTAL****\$4**

Screening Date 25-Sep-2007

Docket No. 2007-1554-IHW-E

PCW

Respondent Thomas M. Thorp dba Thorp's Laun-Dry

Policy Revision 2 (September 2002)

Case ID No. 34691

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN104029350

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Colin Barth

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.4(3)

Violation Description

Failed to handle industrial waste in such a manner as to prevent the endangerment of public health and welfare, as documented during an investigation conducted on June 20, 2007. Specifically, the investigator observed spilled dry cleaning waste on the floor surrounding the hazardous waste perc containers. Also, soil samples taken outside the building revealed dry cleaning waste was present.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

97 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the June 20, 2007 investigation date to the screening date of September 25, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$70

Violation Final Penalty Total \$1,982

This violation Final Assessed Penalty (adjusted for limits) \$1,982

Economic Benefit Worksheet

Respondent Thomas M. Thorp dba Thorp's Laun-Dry
Case ID No. 34691
Reg. Ent. Reference No. RN104029350
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,500	20-Jun-2007	26-May-2008	0.9	\$70	n/a	\$70
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of spilled dry cleaning waste and contaminated soil. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$70

Compliance History

Customer/Respondent/Owner-Operator:	CN602505778	THOMAS M. THORP	Classification: HIGH	Rating: 0.0
Regulated Entity:	RN104029350	THORP'S LAUN-DRY	Classification: HIGH	Site Rating: 0.0
ID Number(s):				
Location:	113 W PLUM ST, SONORA, TX, 76950			
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	September 21, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 21, 2002 to September 21, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Colin Barth	Phone:	512 239 0086	

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- | | |
|------------------------|---|
| A. | Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. |
| | N/A |
| B. | Any criminal convictions of the state of Texas and the federal government. |
| | N/A |
| C. | Chronic excessive emissions events. |
| | N/A |
| D. | The approval dates of investigations. (CCEDS Inv. Track. No.) |
| | 1 07/17/2007 (566350) |
| | N/A |
| E. | Written notices of violations (NOV). (CCEDS Inv. Track. No.) |
| | |
| F. | Environmental audits. |
| | N/A |
| G. | Type of environmental management systems (EMSs). |
| | N/A |
| H. | Voluntary on-site compliance assessment dates. |
| | N/A |
| I. | Participation in a voluntary pollution reduction program. |
| | N/A |
| J. | Early compliance. |
| | N/A |
| Sites Outside of Texas | |
| | N/A |

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
THOMAS M. THORP DBA THORP'S
LAUN-DRY
RN104029350**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1554-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Thomas M. Thorp dba Thorp's Laun-Dry ("Mr. Thorp") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Thorp appear before the Commission and together stipulate that:

1. Mr. Thorp owns and operates a dry cleaner facility at 113 West Plum Street in Sonora, Sutton County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY Code ch. 361.
3. The Commission and Mr. Thorp agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Thorp is subject to the Commission's jurisdiction.
4. Mr. Thorp received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Thorp of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Four Hundred Fifty Dollars (\$5,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Mr. Thorp has paid Four Thousand Three Hundred Sixty Dollars (\$4,360) of the administrative penalty and One Thousand Ninety Dollars (\$1,090) is deferred contingent upon Mr. Thorp's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Thorp fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Thorp to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Thorp have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on June 28, 2007, Mr. Thorp removed the perchloroethylene ("Perc") machine from the Facility and installed a secondary containment structure around the dry cleaning waste containers at the Facility.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Thorp has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Thorp is alleged to have:

1. Failed to maintain required Perc records, in violation of 30 TEX. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS § 63.324(d), as documented during an investigation conducted on June 20, 2006. Specifically, Mr. Thorp's Perc records were not available upon request.
2. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on June 20, 2006. Specifically, Mr. Thorp did not have a dike or any other secondary containment structure around the Perc machine or the dry cleaning waste storage area.
3. Failed to handle industrial waste in such a manner as to prevent the endangerment of public health and welfare, in violation of 30 TEX. ADMIN. CODE § 335.4(3), as documented during an investigation conducted on June 20, 2006. Specifically, the investigator observed spilled dry

cleaning waste on the floor surrounding the hazardous waste Perc containers. Also, soil samples taken outside the building revealed dry cleaning waste was present.

III. DENIALS

Mr. Thorp generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Thorp pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Thorp's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Thomas M. Thorp dba Thorp's Laun-Dry, Docket No. 2007-1554-IHW-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Thorp shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of any soil that reveals contamination above background levels, in accordance with 30 TEX. ADMIN. CODE § 335.4(3); and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Thorp. Mr. Thorp is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Mr. Thorp fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Thorp's failure to comply is not a violation of this Agreed Order. Mr. Thorp shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Thorp shall notify the Executive Director within seven days after Mr. Thorp becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Thorp shall be made in writing to the Executive Director. Extensions are not effective until Mr. Thorp receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Thorp in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Thorp, or three days after the date on which the Commission mails notice of the Order to Mr. Thorp, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdin
For the Executive Director

3/21/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Thomas M Thorp
Signature

12-12-07
Date

THOMAS M, THORP
Name (Printed or typed)
Authorized Representative of
Thomas M. Thorp dba Thorp's Laun-Dry

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

